

**REMARKS/ARGUMENTS**

Applicant's undersigned representative would like to thank Examiner P Kim for the courtesy of a personal interview in the Office on Monday, October 22, 2007. During the interview, it was agreed that the claim amendments in this Amendment After Final overcome the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) in the pending Final Office Action mailed June 4, 2007. It was also agreed during the interview that a Request for Continued Examination (RCE) will be filed with this Amendment After Final, for entry of the claim amendments and withdrawal of the rejection in the RCE case.

In the pending Final Office Action mailed June 4, 2007, claims 1, 2, 4-10, 12, 13, and 15-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,968,184 to Criss et al. (hereinafter Criss). Claims 3, 11, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Official Notice of overwriting application files for update. It is noted that claims 18 (independent) and 19 (dependent from 18) were added by the amendment of April 18, 2007 but were not addressed in the Final Office Action. Nevertheless, an amendment to claim 18 has been presented to maintain consistency of wording across all the independent claims. With this Amendment After Final, amendments to the independent claims 1, 7, 12, and 18 are presented. No new matter has been added. It is respectfully submitted that entry of this amendment will result in all claims being in condition for allowance. Entry of this Amendment After Final, and further examination and reconsideration of the application, are requested.

The claimed invention involves context-sensitive download to mobile client devices. As noted in the specification, a server may have any number of applications available for download and update, but an end-user of a mobile client device only wants to download those applications that are installed at the client device and are pertinent to the job at hand. It would be advantageous if downloads could occur without the end-user explicitly specifying which applications are installed at the mobile client device. Such downloads are characterized in the application as context-sensitive downloads (see, e.g., the specification at page 41, lines 1-6).

The server described in this application not only provides application management and updates to the client, the server also provides an interface to backend enterprise data sources with data associated with the installed applications. In one embodiment, the system stores metadata related to an installed application during a subscription process, and subsequent communication requests from the client device to the server will include information that identifies the metadata at a client device associated with the subscribed application. With the information received from the client request, the server can determine which update packages are available for the identified applications installed at the client device and for data stored at the enterprise data sources associated with the identified applications. After entry of this Amendment After Final, all the independent claims (1, 7, 12, 18) will include these distinct features. The features are supported by the specification, such as at page 40, lines 1-9; page 43, lines 3-18; page 44, line 8 through page 45, line 22; and page 46, lines 16-26.

In the pending Office Action, the independent claims were rejected as anticipated by Criss.<sup>1</sup> The claim amendments presented herein, however, emphasize that Criss operates in an opposite manner to that of the claimed invention. In the Criss system, a host computer queries a mobile device for the version of installed operating software, to which the mobile device responds with version information for purposes of updating the software. See Criss at column 2, lines 52-63. That is, a query-response exchange from the host (server) to the mobile is performed specifically for purposes of update.

In contrast, the independent claims as amended recite a request from the mobile to the server for establishing communications. The communication request from the mobile includes data that identifies subscribed applications installed at the mobile and identifies metadata at the mobile associated with the applications. An update package is determined for two types of information, (1) for the identified subscribed applications and (2) for data stored at

---

<sup>1</sup> Claim 18 was added by the previous amendment, but was not addressed in the Office Action. As noted above, Applicants nevertheless are presenting amendments to claim 18 so all the independent claims contain common patentable features.

enterprise data sources associated with the applications, based on the metadata identified by the mobile's communication request.

Taking claim 1 as an example, with the presented amendments, claim 1 reads as follows:

A method of change management for a mobile data system having a mobile client device that shares data with multiple enterprise data sources, the method comprising:

initiating change management processing in response to receiving a communication request from the mobile client device to establish communications with a server of the mobile data system, wherein the communication request includes data that identifies one or more applications installed at the mobile client device and to which the mobile client device is subscribed, and identifies metadata at the mobile client device associated with the one or more subscribed applications;

determining if an update package is available for the identified application subscribed at the client device and for data stored at the multiple enterprise data sources that is associated with the identified applications, based on the metadata identified by the communication request; and

downloading the update package to the mobile client device and updating the identified applications and associated data at the mobile client device.

Thus, whereas Criss involves a message exchange from a host computer to query a mobile device for the purpose of an update, the claimed invention operates in an opposite fashion, and relates to communication requests from the mobile to the server initiated by the mobile client device to request establishment of communication. The presented independent claims, as amended, recite operation different from that of Criss and therefore are not anticipated by Criss.

Another point of difference between the independent claims and the Criss system is that the claims as amended recite that the communication request from the mobile client device identifies metadata at the client that is associated with applications to which the mobile is subscribed. Again, this feature is lacking from Criss.

In addition, the independent claims as amended recite that an update package is determined for the subscribed applications and for data stored at enterprise data sources associated with the applications, based on the metadata identified by the communication request from the mobile. Criss does not relate to updates for applications themselves as well as associated data for the applications, and does not identify applications and associated data based on metadata.

Finally, the independent claims as amended recite that the update package is downloaded and updates the applications and the associated data at the mobile. Criss only relates to updating operating software whose version number is known through identifying indicia (col. 2, lines 58-60). Criss has nothing to do with application updates and data updates based on metadata identified in a request from a mobile client device.

Thus, claim 1 as amended by this Amendment After Final is not anticipated by Criss. Claims 7, 12, and 18 as amended by this Amendment After Final contain similar limitations as claim 1 discussed above. It is asserted that, upon entry of this Amendment After Final, all these claims will not be anticipated by Criss. Therefore, it is submitted that with entry of this amendment, claims 1, 2, 4-10, 12, 13, and 15-17 (as well as claim 18 and claim 19, which depends from claim 18) will not be anticipated by Criss and will be in condition for allowance. For at least these reasons, and in accordance with the RCE, Applicants respectfully request entry of this amendment and allowance of the pending claims.

In rejecting claims 3, 11, and 14, the Examiner took Official Notice of overwriting application files for update. On the basis of the amendments and the remarks/arguments given above, Applicants believe that the cited portions of Criss and the Official Notice do not, either alone or in combination, teach or suggest the invention in claims 3, 11 and 14. Therefore, Applicants respectfully request reconsideration of claims 3, 11, and 14.

Appl. No. 10/820,567  
Amdt. dated October 26, 2007  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2161

PATENT

**CONCLUSION**

In view of the foregoing, and in accordance with the interview discussion in the Office and the filing of the RCE, Applicants believe that all claims 1-19 now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Respectfully submitted,



David A. Hall  
Reg. No. 32,233

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 858-350-6100  
Fax: 415-576-0300  
Attachments  
DAH:dah  
61172366 v1